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In the Matter of)	
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Biennial Regulatory Review – Amendment of)	
Parts 1, 22, 24, 27 and 90 to Streamline and)	WT Docket No. 03-264
Harmonize Various Rules Affecting Wireless)	
Radio Services)	
)	

The Industrial Telecommunications Association, Inc. (ITA) hereby respectfully submits its reply comments in response to the Commission’s *Notice of Proposed Rulemaking* (NPRM) in the above-referenced matter.¹ The Commission’s NPRM seeks “to streamline and harmonize licensing provisions in the wireless radio services.”² As will be discussed in more detail below, ITA urges the Commission to maintain a frequency coordination requirement for site-specific licensees on the 800 MHz General Category channels.

ITA is a Commission-certified frequency advisory committee coordinating in excess of 13,000 applications per year on behalf of applicants seeking Commission authority to operate on a wide-variety of frequency assignments allocated between 30-900 MHz.

ITA enjoys the support of a membership including more than 2,100 licensed two-way land mobile radio communications users, private mobile radio service (PMRS) oriented radio dealer organizations, and the following trade associations:

² NPRM at ¶ 1.

Alliance of Motion Picture and Television Producers
Aeronautical Radio, Inc.
National Propane Gas Association

In addition, ITA is affiliated with the following independent market councils: the Council of Independent Communications Suppliers (CICS), the Taxicab & Livery Communications Council (TLCC), the Telephone Maintenance Frequency Advisory Committee (TELFAC), and USMSS, Inc.

ITA's extensive involvement with the private land mobile industry expands into many services including: application preparation for public safety and first responders; coordination and engineering services for industrial/business users, paging licensees, special emergency eligibles, commercial licensees under Part 90 of the Commission's rules, and PMRS radio dealers; protection of petroleum service users through a contractual agreement with the American Petroleum Institute; an industry liaison for equipment manufacturers and end users, as well as band managers and end users; the Commission's first line of post-licensing, interference resolution; and various other services.

II. Background

On January 7, 2004, the Commission released the instant NPRM seeking comments on ways to streamline and harmonize specific rule parts that are "no longer necessary in the public interest as a result of meaningful economic competition."³ While the NPRM proposes many rule changes throughout Parts 1, 22, 24, 27 and 90 of the Commission's rules, the comments to follow will focus solely on whether General Category licensees should be required to undergo frequency coordination before filing an application for authorization.

³ NPRM at ¶ 2, *citing* 47 U.S.C. § 161.

III. Discussion

The Commission correctly notes in its NPRM that 800 MHz SMR licensees are exempted from providing the Commission with evidence of frequency coordination when filing an application for authorization of a radio system on Upper 200 and Lower 80 SMR frequencies.⁴ Now, the Commission has been asked by the Cellular Telecommunications and Internet Association to expand this rule to exempt General Category licensees from frequency coordination, since General Category channels are “subject to competitive bidding and are authorized by exclusive geographic areas.”⁵

The Commission states in the NPRM that General Category channels have three different classifications of users.⁶ Notably, the General Category channels are home not only to SMR operations, but also to conventional and trunked public safety and industrial/business licensees. In fact, the Commission’s 2002 *Biennial Review Staff Report* (Staff) finds that,

“the possible conversion of existing site-by-site licensed general category frequencies to a different mode of operation (*e.g.*, from conventional to trunked use), and the potential shared use environment of the frequencies, makes [wholesale] elimination of the coordination requirement a concern.”⁷

This shared use environment and different modes of operation differentiate the General Category pool from the Upper 200 and Lower 80 SMR channels. While all three channel blocks are now subject to competitive bidding, only the General Category channels are used extensively by underlying public safety and industrial/business licensees. These incumbent licensees provide

⁴ NPRM at ¶ 19

⁵ NPRM at ¶ 19. *See also*, Petition for Rulemaking Concerning the Biennial Review of Regulations Affecting CMRS Carriers of Cellular Telecommunications & Internet Association, filed on July 25, 2002, at p. 26-27.

⁶ NPRM at n. 56.

⁷ NPRM at ¶ 20, *citing* 2002 Biennial Regulatory Review, *Staff Report of the Wireless Telecommunications Bureau*, WT Docket No. 02-310 (rel. Mar. 14, 2003) at Appendix IV, Rule Part Analysis.

safety-of-life applications, whether for the public, the radio operator, or employees in a business or industrial setting.

The Commission's well-placed concern for the shared use environment and different modes of operation can easily be seen in the Commission's current search for a policy answer to the 800 MHz interference problem.⁸ As PCIA – The Wireless Infrastructure Association (PCIA) states in its comments, “the past three years have shown that interference in the 800 MHz band has increased as the result of the proliferation of ‘low site’ systems.”⁹ The competing architectures of these different radio systems with dissimilar uses place lives in danger. The elimination of a frequency coordination requirement for General Category licensees may exacerbate this problem.

The Staff's desire to protect incumbent operations could be justly served by maintaining the frequency coordination requirement for site-specific licensees in the 800 MHz General Category pool. ITA, therefore, shares the opinion of the commenters who support retaining the frequency coordination requirement for shared, site-by-site incumbent licensees.¹⁰

⁸ See, Improving Public Safety Communications in the 800 MHz Band and Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels, *Notice of Proposed Rule Making*, WT Docket No. 02-55 (rel. Mar. 15, 2002).

⁹ Comments of PCIA – The Wireless Infrastructure Association, Biennial Regulatory Review – Amendment of Parts 1, 22, 24, 27 and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services, WT Docket No. 03-264, filed on April 23, 2004, at p. 3-4 (PCIA). Unless otherwise specified, all comments cited heretofore were filed in the docket above.

¹⁰ Comments of the National Association of Manufacturers and MRFAC, Inc., filed on April 22, 2004, at p. 3 (NAM/MRFAC Comments), stating that NAM/MRFAC supports “the Notice’s ‘go-slow’ approach relative to shared channels.” See also, Comments of the American Mobile Telecommunications Association, filed on April 23, 2004, at p. 3 (AMTA), stating that the Commission “should eliminate the frequency coordination requirement for incumbent licensees operating on 800 MHz General Category frequencies *on a non-shared basis* when they propose to license new or modified facilities that are entirely within the interference contour of the existing authorization.” (emphasis added). Of course, the Commission must also consider whether exclusive use licensees should be exempted from the frequency coordination requirement. While the elimination of this requirement might end disparate treatment for similarly situated exclusive use licensees in the 800 MHz band, such an action could provide additional complexities in the detection and mitigation of interference in the General Category pool for incumbent public safety and industrial/business site-specific licensees. See PCIA at p. 3-4.

Moreover, should the Commission determine that exclusive use licensees in the General Category pool are exempted from the frequency coordination requirement, ITA asks the Commission to be clear that exclusive use licensees are exempted from frequency coordination only when such an action does not expand its 22 dBu contour,¹¹ as expanding the footprint of its existing operation into a site-specific incumbent's authorization would run counter to the Commission's rules and intentions for the 800 MHz band.

IV. Conclusion

As explained above, ITA urges the Commission to retain a frequency coordination requirement for site-by-site, incumbent licensees in the General Category pool in the 800 MHz band.

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By: /s/ Jeremy Denton

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¹¹ 47 C.F.R. § 90.693.

CERTIFICATE OF SERVICE

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